

ENTRY NO. 00139826

06/18/2008 03:00:36 PM B: 0351 P: 0549

Easements and Right of Ways PAGE 1 / 13

VERJEAN CARUSO, KANE COUNTY RECORDER

FEE \$ 0.00 BY GOVERNOR OF UTAH



**Acknowledgment and
Notice of Acknowledgment
of Acceptance of R.S. 2477
Right-of-Way Grant**

THE STATE OF UTAH

TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:

Know ye, This is an Acknowledgment and Notice of Acknowledgment made under Utah Code Sections 72-5-309 through 310 inclusive, that the grant of the United States of America of “the right of way for the construction of highways over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its political subdivision Kane County as it pertains to the highway located in Kane County known as Nipple Lake Road; County Road Number: K4290; State Geographic Information Database (SGID) Road Identification Number: RD130611. Total road length is 0.4 miles more or less.

The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) the October 21, 1976 repeal of R.S. 2477 or (b) the date the servient estate was reserved for public uses.

This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Utah and its political subdivisions reserve the right to make further acknowledgments and notices of acknowledgment with regard to road segments that traverse land owned by other entities, including the United States of America, through one or more of its agencies.

A printed copy of a map showing the location of the road in said county is appended hereto as “Attachment 1,” a printed copy of representative photos of the road is appended hereto as “Attachment 2,” a printed copy of a description of the beginning and ending points of the entire road together with a list of Townships, Ranges and Sections that may be traversed by the road in said county is appended hereto as “Attachment 3,” and a printed copy of the Road Centerline Description Cover Page(s) is appended hereto as “Attachment 4.” The Appendices listed in “Attachment 4” that contain the actual road centerline descriptions are incorporated herein by reference. Affidavits provided by individuals familiar with the road are appended hereto as “Attachment 5.”

A printed copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or obtained at the office of the Utah State Archives.

An electronic copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or downloaded as read-only PDF (Portable Document Format) files via the

Internet at <http://recorded2477roads.utah.gov>.

The owner of the servient estate in the land underlying the road-segments subject to this Acknowledgment and Notice is believed to be the United States of America through one or more of its agencies. Any of such agencies or any other person with a servient ownership claim or a competing dominant estate right-of-way ownership claim, may file a petition in the State District Court for Salt Lake County for a decision regarding the correctness of this Acknowledgment. A claimant shall file a petition within sixty (60) days after receipt of this Notice.

In Witness Whereof, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 12th day of June, 2008.

By the Governor's Designee

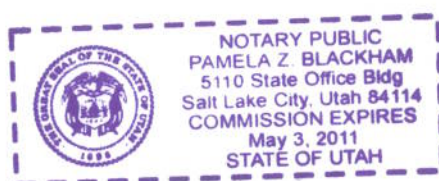


John Harja

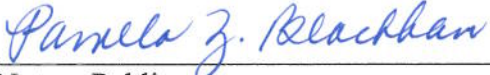
CERTIFICATION

State of Utah)
 : ss
County of Salt Lake)

I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.



Dated this 12th day of June, 2008.

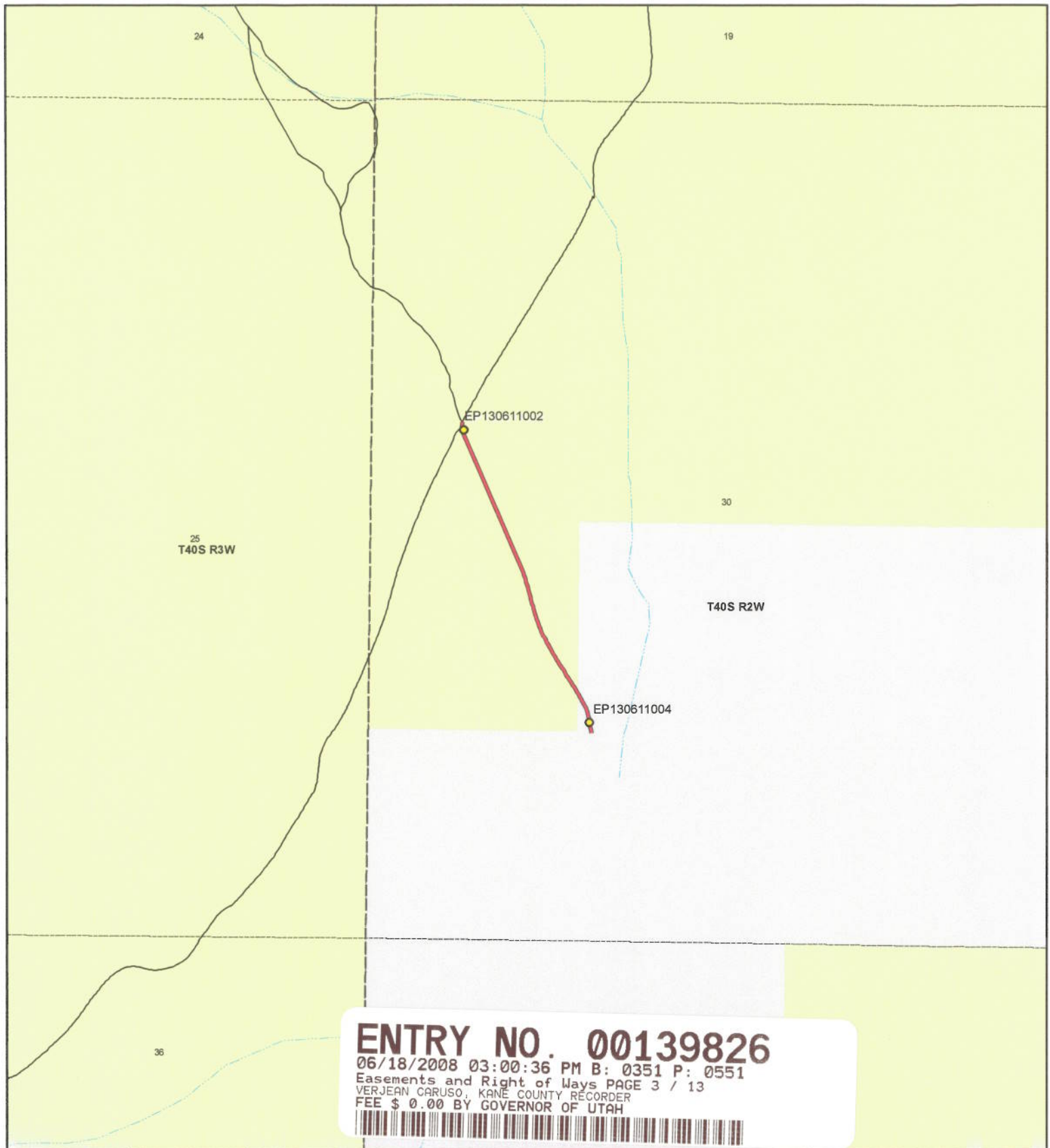


Notary Public

ENTRY NO. 00139826

06/18/2008 03:00:36 PM B: 0351 P: 0550
Easements and Right of Ways PAGE 2 / 13
VERJEAN CARUSO, KANE COUNTY RECORDER
FEE \$ 0.00 BY GOVERNOR OF UTAH





 <p>1:9,828 1 inch equals 0.2 miles</p>		<p align="center">Nipple Lake Road - Kane County SGID RD_ID RD130611</p> <table border="0"> <tr> <td> <p>Land Ownership Categories</p> <ul style="list-style-type: none"> ◆ BLM ◆ Private ◆ SITLA, State Trust Land ◆ USFS, National Forest ◆ State Parks and Recreation ◆ Tribal, Indian Reservation ◆ NPS, National Park </td> <td> <ul style="list-style-type: none"> ◆ Wilderness ◆ UDWR Wildlife Reserve ◆ DOD, Military ◆ State Sovereign Land ◆ National Recreation Area ◆ USFWS, Natl. Wildlife Refuge </td> <td> <p>Transportation Network</p> <ul style="list-style-type: none"> — Nipple Lake Road — Title V: Issued Or Under Consideration By BLM Or County — Other Roads ● Photo Event Point Section = 1 Mile </td> </tr> </table>	<p>Land Ownership Categories</p> <ul style="list-style-type: none"> ◆ BLM ◆ Private ◆ SITLA, State Trust Land ◆ USFS, National Forest ◆ State Parks and Recreation ◆ Tribal, Indian Reservation ◆ NPS, National Park 	<ul style="list-style-type: none"> ◆ Wilderness ◆ UDWR Wildlife Reserve ◆ DOD, Military ◆ State Sovereign Land ◆ National Recreation Area ◆ USFWS, Natl. Wildlife Refuge 	<p>Transportation Network</p> <ul style="list-style-type: none"> — Nipple Lake Road — Title V: Issued Or Under Consideration By BLM Or County — Other Roads ● Photo Event Point Section = 1 Mile 	<p>Map prepared by the State of Utah Automated Geographic Reference Center Room 5130 State Office Building Salt Lake City, Utah 84114 Jun 10, 2008</p> <div style="display: flex; align-items: center;"> </div>
<p>Land Ownership Categories</p> <ul style="list-style-type: none"> ◆ BLM ◆ Private ◆ SITLA, State Trust Land ◆ USFS, National Forest ◆ State Parks and Recreation ◆ Tribal, Indian Reservation ◆ NPS, National Park 	<ul style="list-style-type: none"> ◆ Wilderness ◆ UDWR Wildlife Reserve ◆ DOD, Military ◆ State Sovereign Land ◆ National Recreation Area ◆ USFWS, Natl. Wildlife Refuge 	<p>Transportation Network</p> <ul style="list-style-type: none"> — Nipple Lake Road — Title V: Issued Or Under Consideration By BLM Or County — Other Roads ● Photo Event Point Section = 1 Mile 				



EP130611002



EP130611004

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ENTRY NO. 00139826

06/18/2008 03:00:36 PM B: 0351 P: 0552

Easements and Right of Ways PAGE 4 / 13

VERJEAN CARUSO, KANE COUNTY RECORDER

FEE \$ 0.00 BY GOVERNOR OF UTAH



EP000000000

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Nipple Lake Road - Kane County

SGID RD_ID RD130611

Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
June 10, 2008



Attachment 3

Beginning & Ending Points and Township, Range, and Section References For:

Popular Name: Nipple Lake Road

County: Kane

County Road Number: K4290

State Geographic Information Database (SGID) Road Identification Number: RD130611.

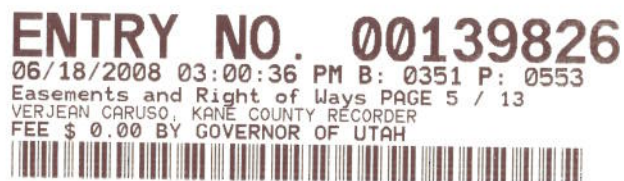
Total Road Length: 0.4 miles more or less.

Beginning at a point on the road centerline located at 37 degrees 18 minutes 02.59 seconds North Latitude and -112 degrees 04 minutes 13.91 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,474,464.9 feet and Y = 10,073,876.2 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 37 degrees 18 minutes 21.85 seconds North Latitude and -112 degrees 04 minutes 24.24 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,473,642.2 feet and Y = 10,075,828.7 feet based on the US Survey Foot conversion.

This road may traverse:

Township 40 South Range 2 West, Section(s) 30, Salt Lake Base & Meridian
See Attachment 1 above for a cartographic depiction of the course of this road.



Attachment 4
Road Centerline Description Cover Page(s)

Popular Name: Nipple Lake Road

County: Kane

County Road Number: K4290

State Geographic Information Database (SGID) Road Identification Number: RD130611.

Total Road Length: 0.4 miles more or less.

Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).

Road-Segments Listed by SGID Road Identification Number (RD_ID)	Road-Segment Numbers	Believed Ownership Of Servient Estate	Approximate Segment Length	See Attached Appendix
RD130611	001	PVT	0.05 Miles	(not shown)
RD130611	002	BLM	0.35 Miles	A
		Total Road Length	0.4	_____

* Indicates that a Title V permit will be requested, is in process, or has been issued.

† Indicates that road-segments crossing Forest Service land are under consideration by the state and county as of the date of this Acknowledgment and Notice of Acknowledgment.

ENTRY NO. 00139826

06/18/2008 03:00:36 PM B: 0351 P: 0554

Easements and Right of Ways PAGE 6 / 13

VERJEAN CARUSO, KANE COUNTY RECORDER

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Attachment 5

ENTRY NO. 00139826

06/18/2008 03:00:36 PM B: 0351 P: 0555

Easements and Right of Ways PAGE 7 / 13

VERJEAN CARUSO, KANE COUNTY RECORDER

FEE \$ 0.00 BY GOVERNOR OF UTAH



AFFIDAVIT OF BRENT OWENS

NIPPLE LAKE ROAD

KANE COUNTY ROAD NUMBER K4290

KANE COUNTY, UTAH

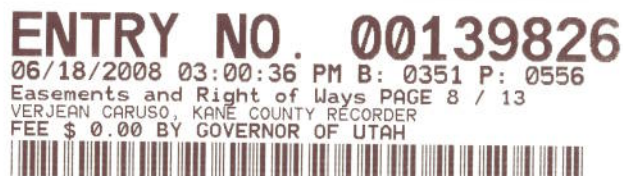
State of Utah)
 : ss.
County of Kane)

BRENT OWENS, being first duly sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I have lived in Kane County for 36 years. I was born April 2, 1946.

2. I have traveled and am familiar with a road in Kane County known as the Nipple Lake Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1964, it followed the same route as in 1992 when I last observed it. Attached is a Kane County map showing Nipple Lake Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map. The County also identifies this road according to the road number listed above.

3. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1964 and continuing through 1976 to 1992. Throughout this time period I have observed travel on the road by various means, including trucks, jeeps and ATV's. Throughout this time period, the road has been used weekly, for more than ten continuous years prior to 1976, and continuing through 1992.



4. Throughout the time period from 1964 to 1992, I have used the road myself for hunting, BLM access, camping and traveling in and through the area.

5. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for the uses described in the previous paragraph, plus livestock operations, wood gathering, recreation and government access.

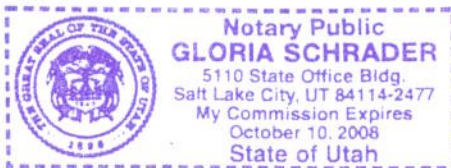
6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the late 1800s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

7. Prior to 1976, I observed the graded surface of the road.

Dated this 16 day of May, 2007.


BRENT OWENS

SUBSCRIBED AND SWORN to before me this 16th day of May, 2007.




NOTARY PUBLIC

ENTRY NO. 00139826

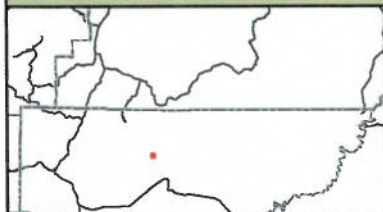
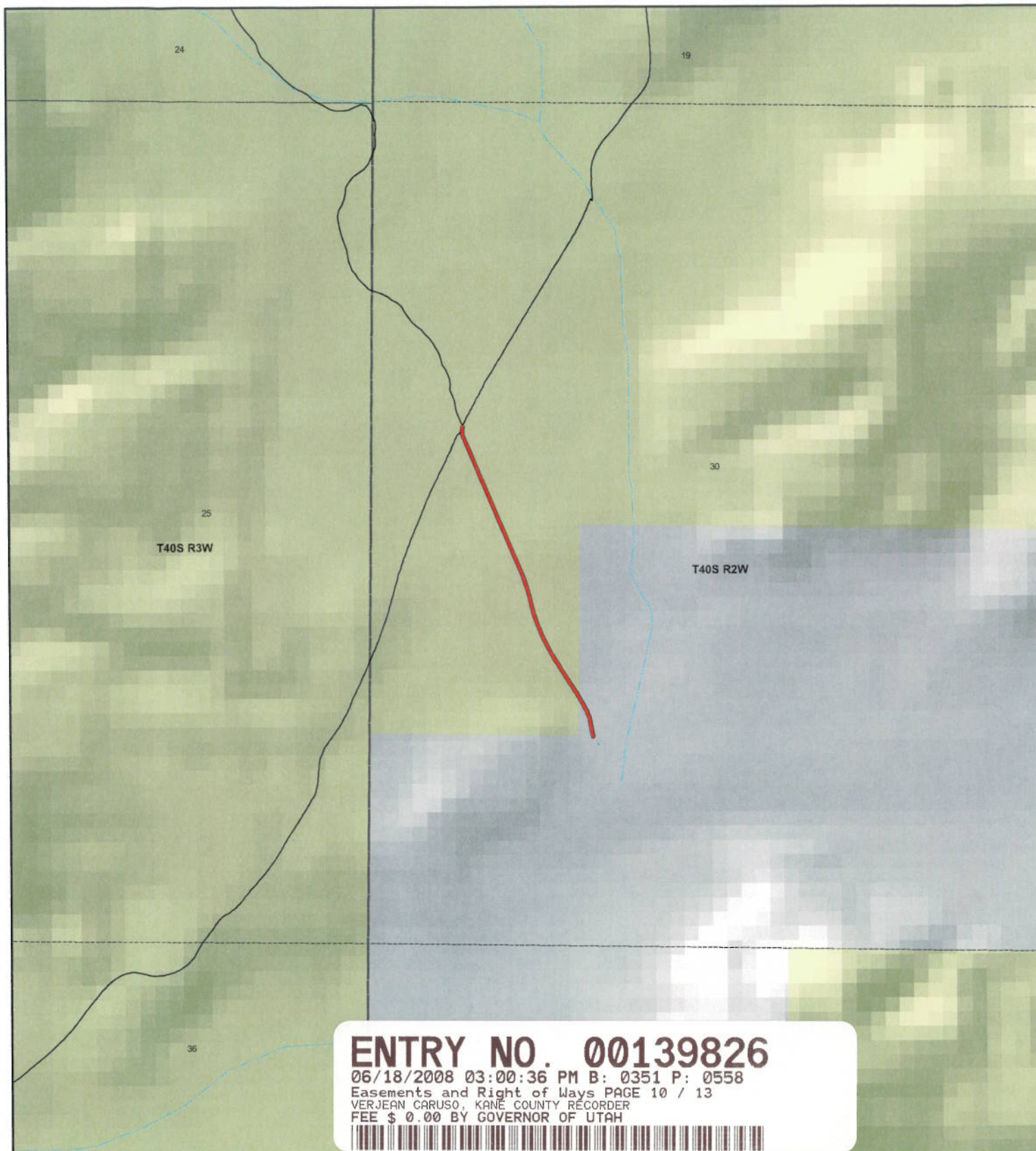
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Easements and Right of Ways PAGE 9 / 13

VERJEAN CARUSO, KANE COUNTY RECORDER

FEE \$ 0.00 BY GOVERNOR OF UTAH





**Nipple Lake
County Unique - K4290**

Land Ownership Categories

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- Wildlife Reserve
- National Park/Monument (NPS)
- National Rec. Area
- Wilderness
- State Park

Transportation Network

- Nipple Lake
- State / U.S. Highway
- Local Roads

Misc

- City / Town
- Municipalities
- Section = 1 Mile
- Monument Boundary



1:9,657

1 inch equals 0.2 miles



Map prepared by the State of Utah
AGRC
Room 5130 State Office Building
Salt Lake City, Utah 84114
May 08, 2007



AFFIDAVIT OF VANE CAMPBELL

NIPPLE LAKE ROAD

COUNTY ROAD NUMBER K4290

KANE COUNTY, UTAH

State of Utah)
 : ss.
County of Kane)

Vane Campbell, being first duly sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I was born January 4, 1930, in Circleville, UT and moved to Alton, Kane County, Utah when I was two years old and have lived in Alton for the past 74 years. I started to work for the Kane County Road Department in 1967. I left the county in 1970 for other employment and returned to the county road department in 1972 and was made Superintendent of the Kane County Road Department in 1974. I worked for the road department until I retired in 1992.

2. I have traveled and am familiar with a road in Kane County known as the Nipple Lake Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1967, it followed the same route as in 1992 when I last observed it. Attached is a Kane County map showing the Nipple Lake Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map. The County also identifies this road according to the road number listed above.

3. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1967 and continuing through 1976

ENTRY NO. 00139826

06/18/2008 03:00:36 PM B: 0351 P: 0559

Easements and Right of Ways PAGE 11 / 13

VERJEAN CARUSO, KANE COUNTY RECORDER

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to 1992. Throughout this time period I have observed travel on the road by various means, including Kane County road maintenance vehicles, four wheel drive vehicles, ATVs and trucks. Throughout this time period, the road has been used weekly for more than ten continuous years prior to 1976.

4. Throughout the time period from the early 1967 to 1992, I have used the road myself for performing maintenance on the road and/or traveling in and through the area.

5. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for the uses described in the previous paragraph, plus ranching, recreation, hiking, rock hounding, livestock operations.

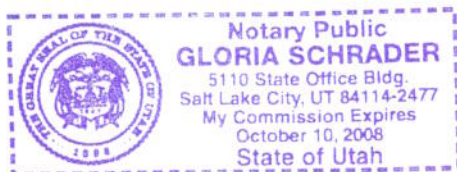
6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present.

7. Prior to 1976, I personally performed maintenance and construction activities on the road.


Dated this 15 day of May, 2007.

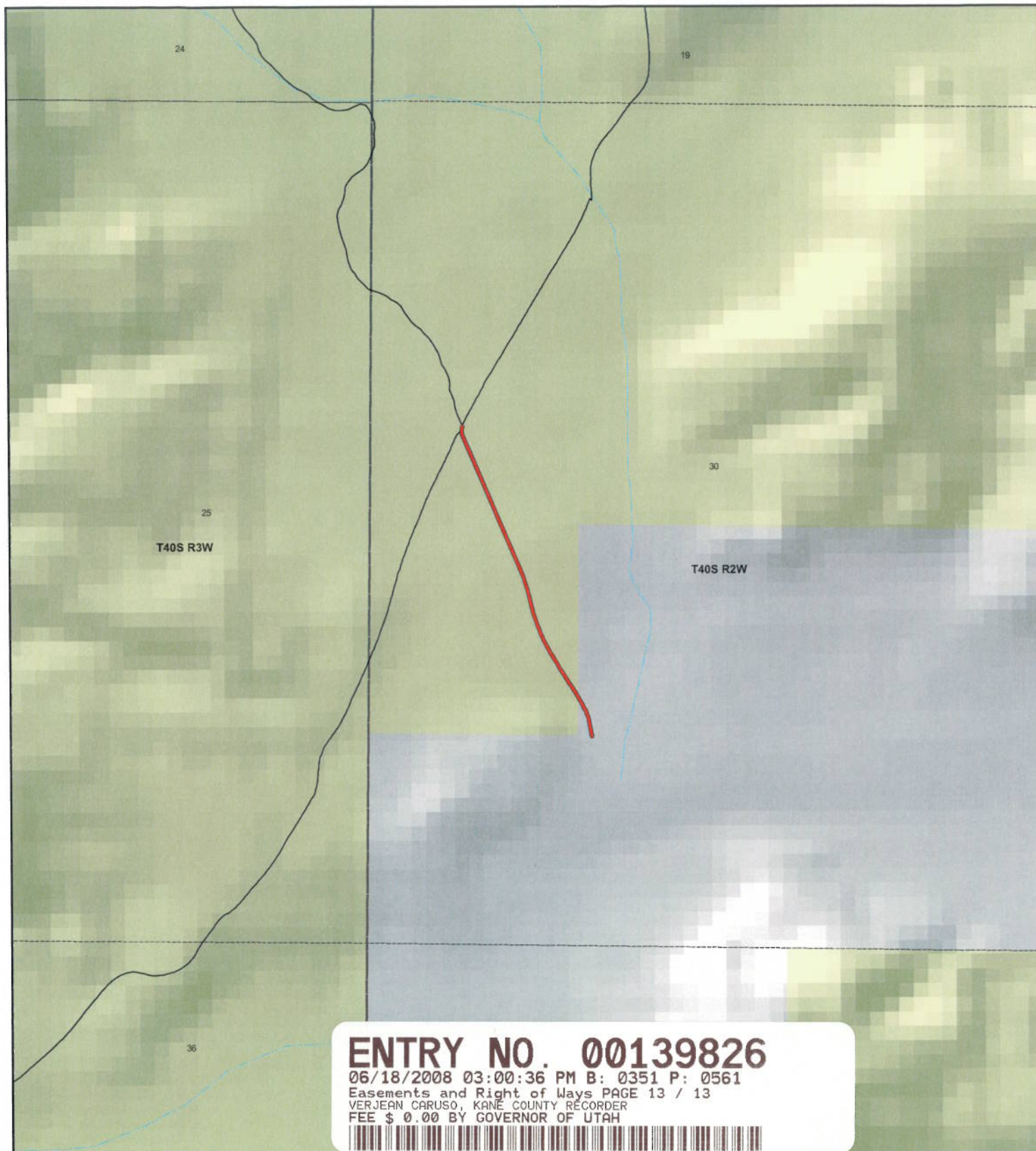
Vane Campbell
VANE CAMPBELL

SUBSCRIBED AND SWORN to before me this 15th day of May, 2007.



Gloria Schrader
NOTARY PUBLIC

ENTRY NO. 00139826
06/18/2008 03:00:36 PM B: 0351 P: 0560
Easements and Right of Ways PAGE 12 / 13
VERJEAN CARUSO, KANE COUNTY RECORDER
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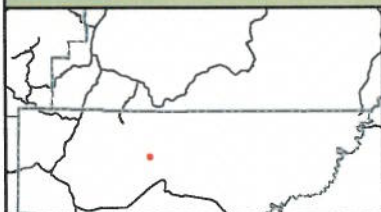
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06/18/2008 03:00:36 PM B: 0351 P: 0561

Easements and Right of Ways PAGE 13 / 13

VERJEAN CARUSO, KANE COUNTY RECORDER

FEE \$ 0.00 BY GOVERNOR OF UTAH



**Nipple Lake
County Unique - K4290**

Land Ownership Categories

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- Wildlife Reserve
- National Park/Monument (NPS)
- National Rec. Area
- Wilderness
- State Park

Transportation Network

- Nipple Lake
- State / U.S. Highway
- Local Roads

Misc

- City / Town
- Municipalities
- Section = 1 Mile
- Monument Boundary



1:9,657

1 inch equals 0.2 miles



Map prepared by the State of Utah
AGRC
Room 5130 State Office Building
Salt Lake City, Utah 84114
May 08, 2007



Appendix A to Attachment 4

Popular Name: Nipple Lake Road

County: Kane

County Road Number: K4290

State Geographic Information Database (SGID) Road Identification Number: RD130611.

Road-Segment Number: 002

Road-Segment Length: 0.35 miles more or less.

Believed owner of the land underlying this road-segment is: Bureau of Land Management.

The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 40 South Range 2 West, Section(s) 30, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (Nipple Lake Road)-- Segment 002 based on mapping grade Global Positioning System (GPS) data as defined above:

Beginning at a point on the road center line located at 37 degrees 18 minutes 05.15 seconds North Latitude and -112 degrees 04 minutes 15.08 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,474,372.0 feet and Y = 10,074,135.0 feet; thence the following courses along the said road center line:

thence North 33 Degrees 05 Minutes 33 Seconds West 5.8 feet
thence North 30 Degrees 02 Minutes 38 Seconds West 18 feet
thence North 35 Degrees 52 Minutes 35 Seconds West 11.1 feet
thence North 32 Degrees 47 Minutes 35 Seconds West 12.6 feet
thence North 34 Degrees 24 Minutes 10 Seconds West 13.9 feet
thence North 33 Degrees 19 Minutes 23 Seconds West 15.7 feet
thence North 33 Degrees 49 Minutes 25 Seconds West 15.7 feet
thence North 31 Degrees 10 Minutes 09 Seconds West 17.2 feet
thence North 31 Degrees 06 Minutes 47 Seconds West 17.2 feet
thence North 32 Degrees 35 Minutes 42 Seconds West 16.5 feet
thence North 31 Degrees 27 Minutes 39 Seconds West 16.3 feet
thence North 35 Degrees 40 Minutes 26 Seconds West 16.1 feet

thence North 32 Degrees 16 Minutes 54 Seconds West 17.4 feet
 thence North 32 Degrees 55 Minutes 06 Seconds West 16.6 feet
 thence North 30 Degrees 53 Minutes 13 Seconds West 17.2 feet
 thence North 31 Degrees 10 Minutes 09 Seconds West 17.2 feet
 thence North 31 Degrees 21 Minutes 23 Seconds West 17.2 feet
 thence North 31 Degrees 10 Minutes 09 Seconds West 17.2 feet
 thence North 32 Degrees 55 Minutes 06 Seconds West 16.6 feet
 thence North 28 Degrees 59 Minutes 38 Seconds West 17.8 feet
 thence North 29 Degrees 38 Minutes 41 Seconds West 16.9 feet
 thence North 28 Degrees 04 Minutes 24 Seconds West 16.7 feet
 thence North 31 Degrees 03 Minutes 51 Seconds West 16.2 feet
 thence North 28 Degrees 46 Minutes 00 Seconds West 16.8 feet
 thence North 29 Degrees 00 Minutes 27 Seconds West 16.9 feet
 thence North 30 Degrees 27 Minutes 48 Seconds West 16.1 feet
 thence North 25 Degrees 20 Minutes 56 Seconds West 17.2 feet
 thence North 23 Degrees 26 Minutes 22 Seconds West 17 feet
 thence North 22 Degrees 49 Minutes 29 Seconds West 16.9 feet
 thence North 21 Degrees 47 Minutes 16 Seconds West 16.8 feet
 thence North 21 Degrees 09 Minutes 31 Seconds West 16.7 feet
 thence North 20 Degrees 56 Minutes 51 Seconds West 16.7 feet
 thence North 21 Degrees 52 Minutes 50 Seconds West 15.9 feet
 thence North 19 Degrees 07 Minutes 52 Seconds West 16.5 feet
 thence North 18 Degrees 28 Minutes 49 Seconds West 16.4 feet
 thence North 18 Degrees 15 Minutes 44 Seconds West 16.4 feet
 thence North 16 Degrees 43 Minutes 17 Seconds West 16.3 feet
 thence North 15 Degrees 02 Minutes 34 Seconds West 16.1 feet
 thence North 17 Degrees 20 Minutes 53 Seconds West 15.4 feet
 thence North 15 Degrees 03 Minutes 45 Seconds West 14.4 feet
 thence North 15 Degrees 16 Minutes 07 Seconds West 12.7 feet
 thence North 12 Degrees 45 Minutes 12 Seconds West 11 feet
 thence North 13 Degrees 17 Minutes 37 Seconds West 10.9 feet
 thence North 12 Degrees 38 Minutes 01 Seconds West 12.6 feet
 thence North 14 Degrees 12 Minutes 02 Seconds West 13.5 feet
 thence North 14 Degrees 15 Minutes 01 Seconds West 16.1 feet
 thence North 17 Degrees 27 Minutes 52 Seconds West 15.5 feet
 thence North 16 Degrees 25 Minutes 12 Seconds West 16.2 feet
 thence North 16 Degrees 31 Minutes 03 Seconds West 18 feet
 thence North 17 Degrees 43 Minutes 53 Seconds West 17.2 feet
 thence North 17 Degrees 37 Minutes 37 Seconds West 17.2 feet
 thence North 17 Degrees 49 Minutes 29 Seconds West 16.3 feet
 thence North 17 Degrees 18 Minutes 48 Seconds West 17.2 feet
 thence North 23 Degrees 31 Minutes 13 Seconds West 962.4 feet
 thence North 08 Degrees 20 Minutes 37 Seconds West 24.9 feet
 thence North 07 Degrees 41 Minutes 51 Seconds East 34 feet more or less to **the ending point**

at: 37 degrees 18 minutes 21.85 seconds North Latitude and -112 degrees 04 minutes 24.24 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,473,642.2 feet and Y = 10,075,828.7 feet.